

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PACE-O-MATIC, INC.,	:	
	:	
Plaintiff,	:	
v.	:	Docket No. 1:20-cv-00292
	:	
ECKERT SEAMANS CHERIN & MELLOTT, LLC,	:	
	:	(Judge Jennifer P. Wilson)
	:	(Judge Joseph F. Saporito, Jr.)
Defendant.	:	
	:	

**NOTICE OF APPEAL OF DEFENDANT,
ECKERT SEAMANS CHERIN & MELLOTT, LLC, FROM
MAGISTRATE JUDGE JOSEPH F. SAPORITO, JR.'S
NOVEMBER 16, 2021 ORDER AND MEMORANDUM**

Pursuant to Federal Rule of Civil Procedure 72 and Local Rule 72.2, defendant, Eckert Seamans Cherin & Mellott, LLC (“Eckert”), by and through its counsel, Fox Rothschild LLP, hereby appeals Magistrate Judge Joseph F. Saporito, Jr.’s November 16, 2021 Order and Memorandum dealing with judicial estoppel and implied waiver of the attorney-client privilege, and respectfully objects to the Order and Memorandum. Eckert seeks for the District Court to reverse and vacate Magistrate Judge Saporito’s Order and Memorandum. A true and correct copy of the February 16, 2021 Order and Memorandum is attached hereto as Exhibit “A”.

In support of this appeal/objection, Eckert relies upon the contemporaneously filed Brief in Support of this Appeal.

A handwritten signature in blue ink, appearing to be 'AR', with a long horizontal stroke extending to the right.

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**Counsel for Defendants,
ECKERT SEAMANS CHERIN & MELLOTT,
LLC, MARK S. STEWART and KEVIN M.
SKJOLDAL**

Date: November 30, 2021

**IN THE UNITED STATES DISTRICT COURT
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PACE-O-MATIC, INC.,

Plaintiff,

v.

ECKERT SEAMANS CHERIN &
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Docket No. 1:20-cv-00292

(Judge Jennifer P. Wilson)

(Judge Joseph F. Saporito, Jr.)

CERTIFICATE OF SERVICE

I, Robert S. Tintner, Esquire, hereby certify that, on this 30th day of November, 2021, I served a true and correct copy of the foregoing Notice of Appeal, via ECF, upon all counsel of record and the following by e-mail:

Daniel T. Brier, Esquire
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Scranton, PA 18503

**Counsel for Plaintiff
PACE-O-MATIC, INC.**

Judge Joseph F. Saporito, Jr.
Magistrate Judge
U.S.D.C., Middle District of Pennsylvania
Max Rosenn U.S. Courthouse
197 South Main Street
Wilkes-Barre, PA 18701



ROBERT S. TINTNER, ESQUIRE